



Little River Band of Ottawa Indians

PO Box 314

Manistee MI 49660-0314

(616) 723-8288

DRAFT

TRIBAL COUNCIL WORK SESSION MINUTES

JULY 21, 1997

The work session was called to order by Vice-chairperson, Kathy Berentsen, at 6:15 p.m. at the Tribal office located at 310 Ninth Street.

Roll call was taken by Chuck Fisher. Present: Kathy Berentsen, Don Koon, Kim Kequom, Bill Memberto, and Chuck Fisher. Absent: Bob Guenthardt and Steve Parsons. Staff present: Bill Brooks, Bill Willis, and Jay Sam. Guests present: Jerry Guenthardt, John Koon, Bob Campeau, Bob Hardenburgh, Lavern Oren, and Katie Glocheski.

Kathy said that there are some things that were tabled at the last Council meeting that were to be discussed at the work session that are not on the agenda. One of the items was the USDA Food Distribution Site. Bill B. said that Missy just got a letter from the USDA representative and the deadline for the submission of applications was extended from the end of this month to August 15, 1997 which she was going to bring before the Council on August 4, 1997. He also said that the proposal for this is to serve the four county service area and the five counties that are proposed to be added. Katie asked what the income guidelines are going to be in order to get the food commodities. Bill M. said that that is determined by the USDA. Bill B. said that he doesn't know what the guidelines are going to be because they are different for Indian run food commodities in the sense that the guidelines are lower than usual.

Kim mentioned that the Council was supposed to start each meeting with a prayer. Kathy explained that at the last meeting the Council decided this and asked if an Elder present could say a prayer. Lavern then said a prayer for the Council.

Kathy said that she had one more item, the Proposed Development of Gaming Parcel Property, it has been tabled since May 28, 1997 and was submitted by Bill Willis and Jay Sam. Kathy asked if they still wanted a work session on this. Bill W. said yes, it was tabled but it was never added to a work session. It was decided to add this onto the agenda under D. Kathy said that for future reference, the Council scheduled work sessions to be work sessions, not to pass resolutions or for making motions since the Council doesn't know if they will have a quorum or not.

A. A MOTION TO AUTHORIZE BOB GUENTHARDT TO SIGN THE LEASE BETWEEN UNIVERSAL MEDICAL LAB AND LITTLE RIVER BAND OF OTTAWA INDIANS AND TO EXECUTE IT. Bill B. said that the Council needs to make a motion on this so we can take care of the lease on the medical lab downstairs. He stated that it is not a priority because the lab has been paying us rent, but we need to get this taken care of in the instance that problems should arise. It is a standard commercial office space lease and it is similar to the lease that we have with the Children's Community Center. The lease covers penalties for late payment, damage to the property, and specific requirements in terms of what they can and can't use the space for and maintenance of their own commercial insurance. Moved by Bill M., to authorize Bob Guenthardt to sign the lease between the Universal Medical Lab and the Little River Band and to execute the lease, seconded by Kim, all in favor (5), (0) opposed, (2) absent. Motion carried.

B. A RESOLUTION PASSED THAT HAS TO DO WITH THE LAND FOR NEW HOUSING PROJECT COMMUNITY DEVELOPMENT BLOCK GRANT. Jerry said that we applied for funding for housing and the resolution is for acquiring land. He said that we would purchase some land within the four county service area to build 15 homes on. Lavern asked if we are going to have a separate grant to build homes for the Elders. Bill W. said that when we get a block grant, it is up to the Tribe as to how they want to use the money. Moved by Bill M., to support Resolution #97-0721-01 Authorizing the Submission of Community Development Block Grant Application for Land Acquisition for Housing, seconded by Chuck, all in favor (5), (0) opposed, (2) absent. Motion carried.

C. A RESOLUTION PASSED TO EXECUTE THE PRE-DEVELOPMENT LOAN AGREEMENT. Bill B. said that in the letter of intent between the Tribe and North American Gaming, it contemplates the execution of a pre-development loan agreement under which North American would be providing money for all of the pre-development expenses associated with the gaming development. Those expenses would include contents, environmental and architect costs. He said that the agreement is similar to the one the Tribe entered into with North American in January 1997 to get initial advances of the pre-development expenses. Bill B. said that most of the money is going towards environmental work that is being done on the gaming property. Kim asked for Bill B. to explain a little about the sovereign immunity waiver. He said that what the waiver of immunity essentially is that in all of the agreements with North American if there should be a dispute they can claim that the Tribe has defaulted on the loan and must request a commercial arbitrator to determine that the Tribe has defaulted. He also said that there is a limitation and enforcement provision which states that if there is a monetary award against the Tribe, North American can only collect that judgment from personal property assets of the gaming enterprise or the revenues of the gaming enterprise. That means that they cannot touch other Tribal property or money. Moved by Kim, to support Resolution #97-0721-02 to Execute the Pre-Development Loan Agreement, seconded by Don, all in favor (5), (0) opposed, (2) absent. Motion carried.

D. THE LAND ACQUISITION COMMITTEE WOULD LIKE TO WORK ON PRIORITIZING THE USE OF LAND AT INDIAN VILLAGE/ORCHARD LANDING WITH THE TRIBAL COUNCIL. Bill W. said that back in May, the committee had a Strategic Planning workshop with Bill Mrdeza who is the Community and Economic Development Director from the Saginaw Chippewa Tribe and they attempted to break down the gaming parcel into three (3) different parcels. Bill W. said that he discussed this at the June Council meeting (minutes were handed out showing the discussion). He mentioned that these are just ideas and some may not be financially feasible. He also said that they want to get this organized since the architect will be drawing up a master plan. Bill W. stated that most of the development will first be concentrated on what the committee labeled as Parcel 1 and some of the development they listed was identified previously, such as the casino, a hotel, a restaurant, an RV park. Bill W. suggested possibly asking Tribal members for their input on what they would like to see on the parcels. Bill B. said that some of the things that are under Phase I are on Parcel 1 such as a restaurant, casino, bingo hall, RV park, etc. It was asked if there is going to be enough parking on Parcel 1 because that is where all of the large buildings are going to be located. Bill B. said that the architects feel that there is more than enough room on the parcel for all of the large structures and the parking. Bill M. asked since we are looking at a concert hall and an outdoor amphitheater, how many seats are we talking about? Bill W. said that the Economic Development Committee went to Minnesota and got this idea from there; the one in Minnesota had about 1,500 seats and when they have concerts, they sell out. It was mentioned that the proposed hotel and possibly the retail shopping strip would be attached to the casino. The Council said that they didn't have a problem with any of the proposed structures on Parcel 1. Jay talked about having a public meeting(s) to get the membership's input on what they would like to see on the gaming parcel and what should be done with Indian Village and Orchard Landing. It was suggested to have a meeting in Grand Rapids, Muskegon, Manistee and maybe some other places--it needs to be decided upon.

Bill W. said that last month the Land Acquisition Committee met with some of the members of the Natural Resource Commission and talked about the proposed use of the Indian Village/Orchard Landing property. He said that the Land Acquisition Committee's consensus on this was to try to keep the property as natural as possible which would of course limit development. The Committee also recommends that the Tribe pursue to purchase the four (4) acres of land at Indian Village where we had our Recognition Day event. Bill M. suggested to Bill W. to talk to Bob and the Management Team to see about possibly purchasing the four (4) acres. John Koon said that the Natural Resource Commission has been out to the property several times and feels that it should not be thinned out, but maybe just cleared out of the dead brush. Bill M. said that some time ago, the Cultural Preservation Committee talked about this and mentioned having a camp ground type area with a water pump and outdoor bathrooms. John K. said that along the road are pine trees and he suggests not

cutting them because if you go inside the pines where it clears out, it gives privacy if that is where we choose to have camping sites. If we even decide we want a campground, we need to decide how many camping sites and how many bathrooms and water pumps. Bill M. said that we also need to come up with a way to protect our sacred fire area because anyone could go down there and end up throwing garbage and so forth in that area. It was decided to wait and see if the Tribe can get the four (4) acres and then decide what we want to do with the property. John K. said that at Orchard Landing, about 50% of it is wetland and there is a road dividing the property that isn't wetland so it is kind of hard to do anything there. Jay said that in the northeastern corner there is a mound or battle site on the property. Bill W. said that maybe we could even try to buy the home at the end of Orchard Landing.

E. TRIBAL COURT ORDINANCE. Bill B. said that Section 2 is mostly taken out of the Constitution language. He said that 2.02 was taken directly out of the draft Constitution and some of the language of the Constitution was taken from the Grand Traverse Constitution. Kim then asked Bill B. if he could go over the qualifications for appointments in the Tribal Court under Section 12. He said again, a lot of this language is taken from the draft Constitution such as where it states the requirements. The requirements include that the person must be a Tribal member who is 25 years of age, any Tribal member who is not a member of the Tribal Council or running for a seat on the Tribal Council and has not been convicted of a felony under Federal, Tribal, or State law or any other Tribe involving dishonesty may serve as a Tribal Court Judge. There is also language that authorizes the Tribal Council to appoint a non-member of the Tribe to serve as Tribal Court Judge if that person possess a law degree and has practiced Federal Indian law or is/was a Tribal Court Judge. He said the reason he put that in the Ordinance is because in dealing with a lot of the gaming contracts, the initial resolution is going to go to commercial arbitration because the Federal Arbitration Act and commercial law is complex in the establishment of a Tribal Court system. Bill B. said that basically, the Tribal Court will have original jurisdiction, which means they hear the case first unless otherwise stated. He said that under the Powers of the Tribal Court, again a lot of this is taken from the Constitution and the first provision is actually a revision to the new Constitution. Bill B. mentioned that the Court will not have the authority to initiate an action on it's own, someone has to file a complaint with the Tribal Court. He said that a lot of this is just what basic courts do. Under Section 5, Jurisdiction of the Court of Appeals, basically the critical thing here is that there is only one level of appeals under Tribal law if your initial dispute is heard by an Administrative Tribunal or some lower Court. Bill B. said that under Section 6.3, it states that there will be a record of all court proceedings and therefore will be recorded. He said that the Appointment Section was taken specifically from the Constitution and the term of office is for four (4) years. Discussion then focused on the composition of the Tribal Court which is to include three (3) judges, one (1) Elder, and (1) licensed attorney. It was mentioned that it doesn't say anything about the membership because it was felt that we should have Tribal members making the decisions for the membership. Jay said that if a Tribal

member is not picked, then we should trust the Council that they are acting in the best interest of the Tribe by choosing a non-member. Continuing on, Bill B. said that Section 14.02 defines the reasons for which a judge can be removed and it requires first that the other sitting judges find out that a fellow judge has done something that constitutes misconduct.

With no further questions or comments, the meeting adjourned by consensus of the Council at approximately 10:00 p.m.

7/24/97